

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 MUR 6130) CASE CLOSURE UNDER THE
 ROY CARTER FOR CONGRESS) ENFORCEMENT PRIORITY
 AND JOHN C. RHINEBERGER,) SYSTEM
 AS TREASURER)

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated

are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases. The Office of General Counsel scored MUR 6130 as a low-rated matter.

In this case, the complainant, Mara Long, alleges that Roy Carter for Congress and John C. Rhineberger, in his official capacity as treasurer ("the Committee"), failed to timely file 48-Hour reports for five contributions, pursuant to 11 C.F.R. § 104.5(f). The complainant alludes to the fact that Section 104.5(f) requires that candidate committees report contributions of \$1,000 or more received fewer than 20 days, but more than 48 hours, before any election, and that committees must do so within 48 hours of receiving such contributions. Thus, the complainant claims that the Committee did not timely disclose five contributions, each of which equaled or exceeded \$1,000 and were reported

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1 on November 1, 2008, as having been received between October 20, 2008 and October 29,
2 2008.¹

3 In its response, the Committee acknowledged that it untimely filed the 48-Hour
4 reports in question. The Committee's treasurer, who admitted that he had been unaware
5 of the Commission's regulations concerning 48-Hour reports, explained that when
6 preparing the Committee's disclosure reports he recorded the dates on the contribution
7 checks themselves, as opposed to the dates on which the Committee received the
8 contributions. He also stated that he will not act as a treasurer again and that the
9 Committee currently lacks the funds to pay a civil penalty.

10 In light of the relatively low level of activity that appears to have been at issue in
11 MUR 6130, and in furtherance of the Commission's priorities and resources, relative to
12 other matters pending on the Enforcement docket, the Office of General Counsel believes
13 that the Commission should exercise its prosecutorial discretion and dismiss this matter.
14 *See Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that
15 the Committee and its treasurer, in his official capacity, be cautioned that their failure to
16 timely file 48-hour reports potentially violated 11 C.F.R. § 104.5(f).

17 **RECOMMENDATION**

18 The Office of General Counsel recommends that the Commission dismiss
19 MUR 6130, send a cautionary notification to Roy Carter for Congress and John C.


¹ The contributions included: \$1,000 from Ralph Bradley Miller; \$3,500 from NEA Fund for Children & Public Education; \$2,300 from Gary Ross; \$1,000 from John Spratt, and \$1,000 from Mel Watt.

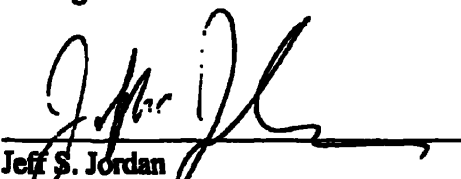
1 Rhineberger, in his official capacity as treasurer, close the file, and approve the
2 appropriate letters.


3 Thomasenia P. Duncan
4 General Counsel

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6
7 3/25/09
8 Date

9 BY:

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